



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAILED

JAMES V COSTIGAN  
HEDMAN & COSTIGAN  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036-2646

MAY 17 2010

OFFICE OF PETITIONS

In re Application of :  
Daniel A. Montanari, et al. :  
Application No. 10/583,816 :  
Filed: January 12, 2007 :  
Attorney Docket No. 163-709 :  
ON PETITION

This is a decision in response to the petition, filed March 8, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 16, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 17, 2009. On March 8, 2010, the present petition was filed. A Notice of Abandonment was subsequently mailed on March 9, 2010.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of an amendment; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 1654 for appropriate action by the Examiner in the normal course of business on the response filed March 8, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

*Sherry D. Brinkley*  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions